

Melissa R. Lindsay, Psy.D.
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Kailua, Hawaii 96734

U.S. Dept of Health and Human Services
Assistant Secretary for Planning and Evaluation
Attention: Privacy-P, Room G-322A
Hubert Humphrey Building
200 Independence Avenue SW
Washington, D. C. 20201

Dear Sir.

Re: Comments on the "Treatment, payment, and health care operations" Section
of the Standards of Privacy of Individually Identifiable Health Information,
RIN0991-AB08

I am a clinical psychologist who lives in a state in which "everyone knows everyone:" that is to say, it is highly likely that the personnel handling insurance claims and managing care for insurers may know a psychotherapy client. either personally or from the public arena. I have had clients who were police officers, state representatives. physicians and **nurses**, university professors, military personnel and so on, whose need for confidentiality is extremely high, and who are often willing to pay out-of-pocket for psychotherapy rather than take a chance that personal information in their records will be disclosed to insurers. The vast majority of clients, however, cannot afford to pay out-of-pocket, nor should they have to, in order to obtain treatment which **provides** an environment safe enough for them to disclose thoughts, feelings and behaviors which may be shameful or embarrassing to them. To avoid treatment for fear of disclosure means that the potential client. and perhaps his/her family or coworkers or others may suffer from damaging behaviors, or the physical consequences of stress or psychosomatic illness. Further, many potential clients are unable to decipher the language used by insurance companies in order to understand that their rights to privacy are often contractually given away.

Therefore,

1) I urge the government to expressly state in the regulations that individuals have a right to privacy for all identifiable medical information.

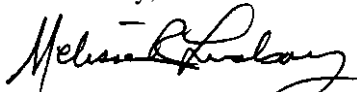
2) I urge statutory recognition that the privacy of psychotherapy communications is vital and must be preserved in the final draft. The privilege for psychotherapy-patient communications as established in the Supreme Court's Jaffee v. Redmond decision should be expressly recognized and should not be deemed to be waived for any disclosure required for treatment or payment of an insurance claim.

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3) Patient consent should be required for the disclosure of all mental health information. Urge the government to adopt the “New Jersey” model for protecting mental health information, which contains this requirement.

4) The regulations should not permit disclosure of medical information related to items and services paid for with private funds, without the patient’s express consent.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa R. Lindsay". The signature is fluid and cursive, with a large, stylized initial "M".

Melissa R. Lindsay, Psy.D.

Hawaii Licensed Psychologist